

REMARKS

Claims 1-20 are now pending, wherein claims 1, 11 and 20 are amended, and claims 15, 16, 18 and 19 have been withdrawn from consideration.

The drawings have been objected to for not showing "second speed different than said first speed" and the "proportional control valve". Applicant respectfully submits that the claimed feature of moving material at a first speed and a second speed different than said first speed, does not admit of illustration and furthermore does not require an illustration for an understanding of the invention. One of ordinary skill in the art would understand that motors or other means for driving a conveying mechanism can be operated at different speeds such that a first one of the conveying mechanisms could be driven at a first speed and a second one of the conveying mechanisms could be driven at a second speed. Figs. 2 and 2B, illustrating an embodiment with two augers that are independently driven by two separate motors, provide sufficient illustration such that anyone of ordinary skill in the art would understand that one of the augers could be driven to move material at a first speed and the other driven to move material at a second speed different than the first speed.

Claim 7 claims a proportional control valve that directs different amounts of hydraulic fluid to the hydraulic motors. Applicant submits that the proportional control valve, and associated components used to direct different amounts of hydraulic fluid to the hydraulic motors, does not require illustration since such a proportional control valve and an arrangement that would allow the valve to direct different amounts of hydraulic fluid to

the hydraulic motors, is well known to one of ordinary skill in the art. The combination of features recited in Claim 7 is novel and nonobvious when considered as a whole, but the individual element of a proportional control valve and its arrangement to direct different amounts of hydraulic fluid to the illustrated hydraulic motors does not require illustration for an understanding of the invention since such proportional control valves are well known in the art. In view of the above comments, Applicant respectfully requests withdrawal of the objection to the drawings.

Claims 1-3, 11 and 20 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 3,780,955 (Palmer). Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Palmer.

Amended independent claim 1 is directed to a material spreader mounted on a truck, the material spreader comprising a trough mounted laterally on the truck, and at least two conveying mechanisms mounted within the trough, each of the conveying mechanisms being independently driven to rotate in a desired direction and at a desired speed. Each of said at least two conveying mechanisms is adapted to be driven in a first direction to convey material to one side of the truck, and in a second direction to convey material to the opposite side of the truck. As an example, in the embodiment of Fig. 2, each of the augers 44, 46 can be driven in one direction to move material to one side of the truck, and in a second, opposite direction to move material to the opposite side of the truck.

In contrast to the Applicant's invention, Palmer only discloses a pair of conveyor belts wherein each of the conveyor belts projects transversely in opposite directions from

the vehicle. Each of the spreader belts 34, in spreader unit 36 or 36A of Palmer is only capable of distributing material to one side of the truck. Accordingly, Palmer does not disclose at least two conveying mechanisms wherein each of the conveying mechanisms is capable of being driven in a first direction to convey material to one side of the truck, and in a second, opposite direction to convey material to the opposite side of the truck.

Claim 11 is directed to a method of distributing material from a truck mounted material storage container, wherein the truck includes a longitudinal conveyor for moving the material to a laterally mounted trough having at least two lateral conveyors. The method comprises moving material from said material storage container along said longitudinal conveyor into said trough, and independently controlling the rate of movement of said at least two lateral conveyors to distribute the material to opposite sides of said trough in a desired ratio. Each of said at least two lateral conveyors is adapted to be driven in a first direction to convey material to one side of the truck and in a second direction to convey material to the opposite side of the truck.

As discussed above with regard to Claim 1, Palmer only discloses a pair of conveyor belts wherein each of the conveyor belts projects transversely in opposite directions from the vehicle. Each of the spreader belts 34, in spreader unit 36 or 36A of Palmer is only capable of distributing material to one side of the truck. Accordingly, Palmer does not disclose at least two conveying mechanisms wherein each of the conveying mechanisms can be driven in a first direction to convey material to one side of the truck, and in a second, opposite direction to convey material to the opposite side of the truck.

Claim 20 is directed to a device for distributing material from a truck mounted material storage container. The device comprises means for moving material from said material storage container in a longitudinal direction relative to said material storage container, means for moving a first portion of said material in a first lateral direction relative to said material storage container and depositing said first portion of said material on a first distributing means, and means for moving a second portion of said material in a second lateral direction different from said first lateral direction relative to said material storage container and depositing said second portion of said material on a second distributing means. Said means for moving a first portion of said material in a first lateral direction is also adapted to move said first portion of said material in said second lateral direction, and said means for moving a second portion of said material in a second lateral direction is also adapted to move said second portion of said material in said first lateral direction.

As discussed above with regard to Claims 1 and 11, Palmer does not disclose at least two means for moving material, wherein each of the means can move the material in a first lateral direction to convey material to one side of the truck, and in a second lateral direction to convey material to the opposite side of the truck.

For at least the above reasons, Palmer does not identically disclose or suggest the novel combinations of features now claimed in Claims 1, 11 and 20. Therefore, Claims 1-3, 11 and 20 are not anticipated by Palmer. Withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

Claim 4 depends indirectly from Claim 1, and is therefore patentable over Palmer for at least the same reasons as discussed above with regard to Claim 1, and for the additional features recited. Therefore, withdrawal of the rejection of Claim 4 under 35 U.S.C. § 103(a) is respectfully requested.

Claims 5-9, 12-14 and 17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Palmer in view of U.S. Patent No. 3,559,893 (Gruben). Claims 1-14 and 17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gruben in view of Palmer. Claims 5-9 and 17 depend directly or indirectly from Claim 1, and Claims 12-14 depend directly or indirectly from Claim 11. Therefore Claims 5-9, 12-14 and 17 are patentable over Palmer for at least the same reasons as discussed above with regard to Claims 1 and 11. Applicant further submits that Gruben does not overcome the above-noted deficiencies of Palmer, as discussed in detail below, and therefore Claims 1-14 and 17 are novel and non-obvious in view of the combination of Palmer and Gruben for the following reasons.

In Gruben, a cross conveyor 41 is disclosed to have first and second conveyor sections 44a and 44b that are in the form of oppositely directed helical flights attached to a common shaft 44c. The cross conveyor can be shifted in a transverse direction so that the material dropped onto the cross conveyor will only come into contact with one of the oppositely directed helical flights, and will therefore be fed to one or the other of the opposite sides of the vehicle. Gruben does not disclose a material spreader having at least two conveying mechanisms that are each independently driven and wherein each of the two

conveying mechanisms can be driven in a first direction to convey material to one side of the truck, and in a second direction to convey material to the opposite side of the truck.

Accordingly neither Gruben nor Palmer, whether considered alone or in combination, discloses or suggests the novel combinations of features now clearly set forth in independent Claims 1, 11 and 20, and hence dependent Claims 2-10 and 12-19.

For at least the reasons discussed above, withdrawal of all rejections under 35 U.S.C. § 103 is respectfully requested.

In view of the allowability of independent claims 1, 11 and 20, for the reasons discussed above, Applicant requests consideration and allowance of non-elected claims 15, 16, 18 and 19 since the non-elected claims include all of the features of allowable generic claims 1 or 11.

Prompt issuance of a Notice of Allowance is earnestly solicited. In the event any questions arise regarding this communication or the application in general, please contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 3, 2003

By: William O. Trousdell
William O. Trousdell
Registration No. 38,637

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620